

AMENDMENT TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application.

Listing of Claims:

1. (Original) The use of distillers grains which, in addition to a fermentation with yeast, were also fermented with a yogurt culture and/or buttermaking culture, for producing a composition for preventing and/or treating increased blood sugar values.

2. (Original) The use as claimed in claim 1, wherein the increased blood sugar values are selected from fasting and/or postprandial blood sugar values.

3. (Original) The use as claimed in claim 1, wherein use is made of distillers grains having a residual starch content of a maximum of 4% by weight, based on the total weight of the distillers grains.

4. (Currently Amended) The use as claimed in ~~one of claims 1 to 3~~ claim 1 for producing a composition for preventing, and/or treating patients having, prediabetes and/or diabetes and/or a predisposition thereto, and associated forms and/or preforms.

5. (Original) The use as claimed in claim 4, wherein diabetes is selected from diabetes type Ia and Ib, type IIa and IIb and/or autosomally inherited diabetes of youth, and wherein the associated forms and/or preforms are selected from secondary diabetes forms, potential diabetes, latent diabetes, decreased glucose tolerance and/or clinically manifests diabetes.

6. (Original) The use as claimed in claim 5, wherein diabetes is type II diabetes.

7. (Currently Amended) The use as claimed in ~~one of claims 1 to 6~~ claim 1 for producing a composition for reducing body weight.

8. (Currently Amended) The use as claimed in ~~one of claims 1 to 7~~ claim 1 for producing a composition for preventing, and/or treating patients having, adiposity.

9. (Original) The use as claimed in claim 8 for producing a composition for preventing, and/or treating patients having, adiposity, and simultaneously increased fasting blood sugar values.

10. (Currently Amended) The use as claimed in ~~one of claims 1 to 9~~ claim 1 for producing a composition for preventing, and/or treating patients having, metabolic syndrome.

11. (Original) The use as claimed in claim 10 for producing a composition for preventing, and/or treating patients having, insulin resistance, arteriosclerosis, lipid, protein and/or carbohydrate metabolic disorders.

12. (Currently Amended) The use as claimed in ~~one of claims 1 to 11~~, claim 1, wherein the distillers grains have a low glycemic index.

13. (Currently Amended) The use as claimed in ~~one of claims 1 to 12~~, claim 1, wherein distillers grains are used which were produced by the distillers grains being taken off directly from the still, then thickened, but not dried, and subsequently being fermented with milk and a yogurt culture and/or buttermaking culture.

14. (Original) The use as claimed in claim 13, where distillers grains are used which were produced by:

- a) the distillers grains being thickened to approximately 15 to 17% dry mass at a pressure of 100 to 800 mbar, then
- b) being mixed with a milk already inoculated with the yogurt culture and/or buttermaking culture,
- c) this mixture either being fermented with a yogurt culture for 10 to 20 hours at a temperature of 38 to 48°C, or
this mixture being fermented with a buttermaking culture for up to 36 hours at a temperature of 18 to 24°C, and thereafter
- d) cooled, mixed with further milk or milk concentrate, to temperatures below 15°C, and
- e) which is optionally subsequently spray dried.

15. (Currently Amended) The use as claimed in ~~one of claims 1 to 14~~, claim 1, wherein use is made of distillers grains based on wheat, barley, rye, oats, corn and/or rice.

16. (Currently Amended) The use as claimed in ~~one of claims 1 to 15,~~ claim 1, wherein the distillers grains are administered in a daily dose of 100 to 400 g.

17. (Original) The use as claimed in claim 16, wherein the distillers grains are administered in 2 to 5 individual doses per day.

18. (Original) The use as claimed in claim 17, wherein the distillers grains are administered in equally sized individual doses.

19. (Currently Amended) The use as claimed in ~~one of claims 1 to 18,~~ claim 1, wherein the distillers grains are administered in viscous form.

20. (Original) The use as claimed in claim 19, wherein the distillers grains are administered in water or fermented milk.

21. (Original) The use as claimed in claim 19, wherein the distillers grains are administered in curdled milk, buttermilk, yogurt, quark or kefir.

22. (Currently Amended) The use as claimed in ~~one of claims 1 to 21,~~ claim 1, wherein the distiller grains are administered as a meal replacement and/or meal supplement.

23. (Original) The use as claimed in claim 22, wherein the distillers grains are administered over a period of at least 3 successive weeks.

24. (Currently Amended) The use as claimed in ~~one of claims 1 to 23,~~ claim 1, wherein use is made of the distillers grains in combination and/or together with further anti-diabetes acting or diabetes-preventing active ingredients.

25. (Original) The use as claimed in claim 24, wherein use is made of the distillers grains in combination and/or together with further active ingredients counteracting or preventing type II diabetes.

26. (Currently Amended) The use as claimed in ~~either of claims 24 or 25,~~ claim 24, wherein use is made of the distillers grains in the form of, and/or in combination with, and/or together with, food supplements, functional food and/or special diet.

27. (Currently Amended) The use as claimed in ~~claim 24 to 26,~~ claim 24, wherein use is made of the distillers grains in the form of, and/or in combination with, and/or together with, creatine, creatine monohydrate, α -lipoic acid, phytosterol, polyunsaturated fatty acids and/or phospholipids and also their derivatives and/or mixtures.

28. (Currently Amended) The use as claimed in ~~one of claims 1 to 27~~ claim 1, for producing a composition having a regulating effect on the intestinal flora.

29. (Original) The use as claimed in claim 28, wherein the dietary fibers of the distillers grains exhibit this activity.

30. (Currently Amended) The use as claimed in ~~claim 28 or 29~~, claim 28, wherein the distillers grains are administered as a meal replacement and/or meal supplement.

31. (Currently Amended) The use as claimed in ~~one of claims 28 to 30~~, claim 28, wherein the distillers grains are administered with sufficient liquid.